

1 Ellen K. Lawson (#020215)  
2 Ellen K. Lawson Attorney at Law PLC  
3 10632 N. Scottsdale Rd, B334  
4 Scottsdale, AZ 85254  
5 Phone: (480) 368-2700  
6 elawson@ellenlawsonlaw.com  
7 Special Counsel for Debtor

8 **UNITED STATES BANKRUPTCY COURT**  
9 **DISTRICT OF ARIZONA**

10 In re:

11 LINDA NKRUMAH

12 Debtor(s).

Chapter 13 Proceedings

Case No. 4:19-bk-00914-BMW

13 **MOTION FOR REFERRAL TO**  
14 **MORTGAGE MODIFICATION**  
15 **MEDIATION PROGRAM**

16 The Debtor files this Motion for Referral to Mortgage Modification Mediation Program  
17 (“Motion for Referral”) and requests that the Court enter an Order Granting Motion for Referral  
18 to Mortgage Modification Mediation” (“Referral Order”) referring Debtor and  
19 PHH Mortgage Corporation (“Lender”) to Mortgage Modification Mediation  
20 (“MMM”) Program and states as follows:

21 1. Debtor is an individual who has filed for bankruptcy relief under, or converted to,  
22 Chapter 13 on January 28, 2019. Debtor has paid the bankruptcy filing fee in full.

23 2. Debtor requests MMM for real property (“Property”) located at the following street  
24 address: 25204 N. Poseidon Road, Florence, AZ 85132

25  
26  
27 The account number for this Property is 5747 (last four digits).

28 a. The Property is (check one box):

☒ the Debtor's primary residence.

☐ not the Debtor's primary residence.

b. Borrowers obligated on the promissory note and mortgage on the Property are (check one box):

☒ Debtor only.

☐ Debtor and non-filing co-obligor/co-borrower/third party.

Contact information for co-obligor/co-borrower/third party:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

☐ Other:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

c. If a non-filing co-obligor/co-borrower/third party is listed above, Debtor has filed with this Motion the MMM Local Form "Third-Party Consent to Attend and Participate in Mortgage Modification Mediation" signed by each co-obligor/co-borrower/third party listed above.

3. Debtor: ☐ has ☒ has not (check one) previously sought Mortgage Modification Mediation for the subject property. (If previously sought in this or any other Chapter 13 case, identify all bankruptcy case number(s) and result of Mortgage Modification Mediation(s):

4. Debtor intends to (check all boxes that apply):

☒ modify the mortgage on the Debtor's primary residence.

☐ modify the mortgage on Property that is not the Debtor's primary residence.

5. Prior to filing this motion, Debtor has completed the initial loan modification forms using the Document Preparation Software, and collected the supporting documentation required for submission to Lender for review through the MMM Portal. Debtor has paid the Document Preparation Software fee to the vendor.

6. Prior to filing this motion, Debtor has determined that:

☒ Lender is registered with the approved Mortgage Modification Mediation Portal ("MMM Portal");

☐ Lender is not registered. Debtor requests the Court require Lender, within fourteen (14) days after the entry of the Order, to register with the MMM Portal and provide to the MMM Portal vendor any forms or documents which Lender may require to initiate a review under the MMM. The MMM Portal vendor shall post any such forms or documents to the Lender's profile on the MMM Portal.

7. Debtor has filed, or is contemporaneously filing, an Amended or Modified Chapter 13 Plan consistent with the MMM Program requirements.

8. Debtor requests Lender consider (check as many boxes as applicable):

☒ a loan modification.

☐ a deed in lieu of foreclosure.

☐ surrender options.

☐ other:

9. IF DEBTOR IS REQUESTING NON-RETENTION (SURRENDER) OPTIONS:

a. Debtor will submit all additional documents required for surrender as provided for on the MMM Portal.

b. Debtor represents that the property ☐ has or ☐ has not been listed for sale.

1           10. Debtor has verified the eligibility of Patricia Doyle-Kossick to  
2 serve as a Mediator under the MMM Procedures and requests that the Court assign this  
3 individual as the Mediator in the case.

4           11. If the Debtor is represented by an attorney, Debtor remitted the required Mediator's  
5 fee pursuant to the MMM Procedures to the Debtor's attorney, or has made other arrangements  
6 with Debtor's attorney for payment of the Mediator's fee. Debtor understands and  
7 acknowledges that after the Mediator is assigned, the Mediator's fee is not refundable for any  
8 reason at any time.

9           12. If the Debtor is not represented by an attorney, the Debtor obtained a money order  
10 or a cashier's check to pay the required Mediator's fee pursuant to the MMM Procedures, and a  
11 copy of that money order or cashier's check is attached. Debtor understands and acknowledges  
12 that after the Mediator is assigned, the Mediator's fee is not refundable for any reason at any  
13 time.

14           13. Within seven (7) days after entry of a Referral Order, Debtor shall pay a non-  
15 refundable MMM Portal submission fee to the MMM Portal vendor and upload to the MMM  
16 Portal:

- 17                   a. A copy of the Referral Order referring the case to the MMM Program; and  
18                   b. Debtor's Prepared Package (prepared using the Document Preparation  
19                   Software);

20           14. Within seven (7) days after entry of a Referral Order, Debtor shall identify the  
21 assigned Mediator on the MMM Portal.

22           15. Debtor will forward the Mediator's fee directly to the Mediator within seven (7)  
23 days after receiving initial contact and payment instructions from the assigned Mediator on the  
24 MMM Portal.

25           16. If Debtor is represented by counsel, Debtor consents to Lender communicating  
26 directly with Debtor's attorney for any and all aspects of the mortgage modification mediation  
27 program.  
28

17. If Debtor is not represented by counsel, Debtor may be contacted at the following phone number(s) and e-mail address:

18. If a Debtor's Chapter 13 case is dismissed, converted, or otherwise removed from the District of Arizona prior to Debtor's completion of the MMM Program, the MMM proceedings in the case will immediately terminate and the parties will be relieved of the requirements of these procedures.

WHEREFORE, Debtor requests that this Motion for Referral be granted and for such other and further relief as this Court deems proper.

Respectfully submitted this 1st day of June, 2020.

/s/ Ellen K. Lawson, Special Counsel  
Attorney for Debtor(s), or Pro Se Debtor

## DEBTOR'S VERIFICATION

I declare under penalty of perjury the foregoing is true and correct as of  
June 1, 2020.

/s/ Linda Nkrumah

Debtor

Debtor